

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINISAR CORPORATION, a Delaware
corporation,

Plaintiff,

v.

U.S. BANK TRUST NATIONAL
ASSOCIATION, a national banking association,
not in its individual capacity, but solely in its
capacity as Indenture Trustee on behalf of all
Holders of Finisar Corporation's 5¼%
Convertible Subordinated Notes due 2008, 2½%
Convertible Senior Subordinated Notes due 2010,
and 2½% Convertible Subordinated Notes due
2010, and DOES 1 through 10, inclusive,

Defendants.

Case No. C 07-4052 JF (PVT)

**[PROPOSED] ORDER DENYING
FINISAR CORPORATION'S MOTION
TO (1) DISMISS, (2) STRIKE, AND
(3) ADJUDICATE U.S. BANK TRUST
NATIONAL ASSOCIATION'S
COUNTERCLAIMS**

Date: July 11, 2008
Time: 9:00 a.m.
Judge: The Hon. Jeremy Fogel
Location: Courtroom 3

1 CURRENTLY PENDING before the Court is Plaintiff Finisar Corporation's ("Finisar")
2 Motion to (1) Dismiss, (2) Strike, and (3) Adjudicate U.S. Bank Trust National Association's
3 Counterclaims ("Motion"). The Court has considered all of the arguments and supporting
4 materials provided by both of the parties; and accordingly, IT IS HEREBY ORDERED that
5 Finisar's Motion is DENIED.

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7 DATED: _____
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10 HON. JEREMY FOGEL
11 United States District Judge
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